

(b) SRPA loan contracts which were entered into prior to October 12, 1982, shall continue to be subject to the provisions of those loan contracts, provided however that those contracts that are amended to conform to the Act of August 6, 1956, as amended by section 223 of Public Law 97-293, shall also be subject to the increased acreage provisions in section 223 of Public Law 97-293. It is provided further that no other provisions of the loan contract shall be altered, modified, or amended without the consent of the non-Federal party.

(c) No other section of these regulations shall be deemed applicable to SRPA loans.

(d) In districts which have a water service or repayment contract in addition to an SRPA contract, the SRPA loan is not to be considered in determining whether the district has discharged its construction cost obligation for the project facilities. Neither shall an SRPA loan be the basis for reinstating acreage limitation in a district which has completed payment of its construction cost obligation nor for increasing the construction obligation of the district and extending the period during which acreage limitation will apply to that district.

(e) In a district which has both an SRPA loan contract and a contract as defined in § 426.5(b), (for example, a repayment contract, a water service contract, or a distribution system loan contract (Pub. L. 84-130)), the requirements applicable to such contracts are not superseded by the SRPA contract.

(f) The application of this rule can be illustrated by the following:

Example. District A has entered into both a repayment contract and an SRPA loan contract. In 1983, District A amended its SRPA loan contract pursuant to section 223 of title II in order to increase the interest threshold for its owners to 960 acres for a qualified recipient and 320 acres for a limited recipient. However, District A has not amended its repayment contract to become subject to the discretionary provisions, and is, therefore, still subject to the acreage limitations of prior law. Even though this SRPA contract permits an increased threshold for interest payments, until District A becomes subject to the discretionary provisions, it may not deliver irrigation water to land in excess of 160 acres (320 acres for a married couple), except in those cases where such land is under

recordable contract, is owned by an individual who has made an irrevocable election, or commingling provisions in the district's contract allow nonprofit water to be delivered to excess land, see § 426.18.

§ 426.22 Decisions and appeals.

(a) Unless otherwise provided by the Secretary, the Regional Director shall make any determination required under these rules and regulations. A party directly affected by such a determination may appeal in writing to the Commissioner of Reclamation within 60 days from the date of a Regional Director's determination. The affected party shall have 90 days from the date of a Regional Director's determination within which to submit a supporting brief or memorandum to the Commissioner. The date of a Regional Director's determination will be considered to be the date shown on the letter or other document transmitting the determination. The Commissioner may extend the time for submitting a supporting brief or memorandum, provided the affected party submits a request to the Commissioner and the Commissioner determines the appellant has shown good cause for such an extension. A Regional Director's determination will have full force and effect during the time an appeal is being reviewed, except that upon specific request and showing of good cause by the appellant in a timely notice of appeal, the Commissioner may hold a Regional Director's determination in abeyance until a decision has been rendered.

(b) The affected party may appeal the Commissioner's decision to the Secretary by writing to the Director, Office of Hearings and Appeals (OHA), within 30 days from the date of mailing of the Commissioner's decision. The appeal provided in this paragraph (b) shall be governed by 43 CFR part 4, subpart G, and other provisions of 43 CFR part 4, where applicable.

(c) Interest on any underpayments will continue to accrue during the time any appeal is pending as provided in 43 CFR 426.23.

(d) Final decisions on appeals rendered by the Commissioner prior to the effective date of this section are hereby validated and may not be further appealed.

Bureau of Reclamation, Interior

§ 426.24

(e) Pertinent addresses are shown below:

Commissioner, Bureau of Reclamation,
Department of the Interior, 18th and
C Streets NW., Washington, DC 20240.

Director, Office of Hearings and Ap-
peals, 4015 Wilson Boulevard, Room
1103 Ballston Tower No. 3, Arlington,
VA 22203.

Regional Director, Pacific Northwest
Region, Bureau of Reclamation, 550
West Fort Street, PO Box 043, Boise,
ID 83724.

Regional Director, Mid-Pacific Region,
Bureau of Reclamation, Federal Of-
fice Building, 2800 Cottage Way, Sac-
ramento, CA 95825.

Regional Director, Lower Colorado Re-
gion, Bureau of Reclamation, Nevada
Highway and Park Street, PO Box
427, Boulder City, NV 89005.

Regional Director, Upper Colorado Re-
gion, Bureau of Reclamation, 125
South State Street, PO Box 11568,
Salt Lake City, UT 84147.

Regional Director, Great Plains Re-
gion, Bureau of Reclamation, 316
North 26th Street, PO Box 36900, Bil-
lings, MT 59107.

[56 FR 43554, Sept. 3, 1991]

§ 426.23 Interest on underpayments.

When the Bureau finds that any indi-
vidual or legal entity subject to Fed-
eral Reclamation law has not paid the
required amount for irrigation water
delivered to a landholding pursuant to
Reclamation law, the Bureau will col-
lect the amount of any underpayment
with interest accruing from the date
the required payment was due until
paid. The due date is the date the re-
quired payment should have been paid
by the district to the United States for
water delivered to a landholding. The
interest rate shall be determined by
the Secretary of the Treasury on the
basis of the weighted average yield of
all interest-bearing marketable issues
sold by the Treasury during the period
of underpayment.

[53 FR 50537, Dec. 16, 1988]

§ 426.24 Assessments of administrative costs.

(a) *Forms submittal.* A district will be
assessed for the administrative costs
described in paragraph (e) of this sec-

tion when irrigation water has been de-
livered to landholders that did not sub-
mit certification or reporting forms be-
fore receiving irrigation water in ac-
cordance with § 426.10(e). The assess-
ment will be applied on a yearly basis
in each district for each landholder
that received irrigation water but
failed to comply with § 426.10(e). In ap-
plying the assessment to legal entities,
compliance by an entity will be treated
independently from compliance by its
part owners or beneficiaries. The as-
sessment in this paragraph will be ap-
plied independently of the assessment
set forth in paragraph (b) of this sec-
tion.

(b) *Forms corrections.* Where correc-
tions are needed on certification or re-
porting forms, the requirements of
§ 426.10(a) will be deemed to have been
met so long as the district provides
corrected forms to Reclamation within
60 calendar days of the date of Rec-
lamation's written request for correc-
tions. A district will be assessed for the
administrative costs described in para-
graph (e) of this section when corrected
forms are not provided within this 60-
day time period. The assessment will
be applied on a yearly basis in each dis-
trict for each landholder that received
irrigation water and for whom cor-
rected forms are not provided within
the applicable 60-day time period. In
applying the assessment to legal enti-
ties, compliance by an entity will be
treated independently from compliance
by its part owners or beneficiaries. The
assessment in this paragraph will be
applied independently of the assess-
ment set forth in paragraph (a) of this
section.

(c) *Parties responsible for paying as-
sessments.* Districts shall be responsible
for payment of the assessments de-
scribed in paragraphs (a) and (b) of this
section.

(d) *Disposition of assessments.* The ad-
ministrative costs assessed and col-
lected under paragraphs (a) and (b) of
this section will be deposited to the
general fund of the United States
Treasury as miscellaneous receipts.

(e) *Amount of assessment.* The assess-
ment for administrative costs shall be
set periodically on the basis of the av-
erage costs associated with performing
activities to address certification and